

## **REMARKS**

This amendment is in response to the Office Action dated August 10, 2007. Because this response is mailed on November 13, 2007 (November 10 and 11 being Saturday and Sunday, and November 12 being a federal holiday) with a Request for Continued Examination, the amendment shall be considered.

### **I. Status of the Amendments**

Prior to this amendment, claims 8-12 and 14 were pending. By this amendment, claims 8, 11 and 12 have been amended. Thus, claims 8-12 and 14 are pending. No additional claims fee is believed to be due, because the applicant previously paid for three (3) independent and twenty (20) total claims.

### **II. Response to August 10 Office Action**

The drawings were objected to in the present action. Initially, this objection is improper because it repeats issues raised with previous drawing sets (original and October 6, 2004), which drawing sets have been superseded by the present set (August 2, 2007). As to the objections raised regarding the August 2 drawing set, applicants respectfully disagree. The numeral “52” is not, as alleged, used to designate different parts – rather applicants have consistently used numeral “52” to designate the “lateral walls” in the written description. The lateral walls “are formed by arbitrary arrangements of ribs or webs,” which ribs or webs are not designated with reference to numeral “52” but remain unnumbered. Page 10, lines 10-11. While these ribs or webs are discussed at page 10, lines 10-17, this is always in the context of the lateral walls 52 of which they are a part. Consequently, it is applicants position that to number the “ribs or webs” separately now would inhibit, not promote, clarity. As to the fact that the numeral “20” refers to both pedals in Fig. 1, this is perfectly consistent with the written description at page 6, lines 20-22, wherein it is stated: “According to the illustration in Figure 1, the preferred embodiment of the present pedal module 1 comprises two different pedals 20 mounted in said module block 10.” Consequently, the use of numeral “20” in Fig. 1 is proper and consistent with the written description.

Claims 8-12 and 14 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. While applicants submit that the claims were definite as previously drafted, and did not have double inclusion of elements as suggested, applicants have amended claim 8 to refer only to “lateral walls” or “walls,” and to remove any reference to “ribs” or “webs.”

Claims 8-12 and 14 are also rejected under 35 U.S.C. 102(b) as allegedly anticipated by Ananthasivan et al. (EP Publ. No. 0 997 361). Claims 8 and 10-12 are further rejected under 35 U.S.C. 102(e) as allegedly anticipated by Mueller et al. Applicants respectfully disagree.

It is correct to state that the terms of the claims are to be given there broadest *reasonable* interpretation. Applicants submit that the interpretation advanced in the August 10 Action is *not reasonable*. A definition is adopted that is clearly out of context relative to the disclosure, and that is modified on-the-fly to arrive at a construction that permits reference to Ananthasivan (which reference is still insufficient, as noted below). This process is improper.

For purposes of the action, the term web is defined as: “a structure of threadlike filaments spun by spiders or certain insect larvae.” How one skilled in the art would read the applicants’ disclosure and would come to the conclusion that the web refers to a structure spun by a spider is beyond contemplation. This definition is inconsistent with the drawings, which are part of the written description. This definition ignores the fact that the webs are used in the alternative to ribs (i.e., “a structural member which supports the shape of something” – Webster’s Encyclopedic Unabridged Dictionary of the English Language), and are referred to as a constituent part of the lateral *walls*. This definition ignores more consistent, more reasonable definitions for web, in which regard applicants note that Webster’s Unabridged includes a definition for “web” that refers to a structure that forms a connection between two other parts, which is much more consistent with the remainder of the disclosure.

However, even this highly irregular definition for web is not applied consistently in the action. Instead of looking for a filament structure, consistent with the definition above, the Action shifts to a structure that is *threaded*: i.e., *has a helical ridge of a screw*. That is,

the action first interprets “web” to get to “thread”, and then interprets “thread” to get to the ridge of a screw. This is nothing short of incredible.

However, to forestall any further interpretations along these lines, applicants have amended the claims. In particular, claim 8 now recites that the lateral walls include a first wall that separates the opening and the slot, and at least a second wall that extends longitudinally in the slot and supports the first wall. These limitations cannot be met by the lateral walls/“webs” identified in Ananthasivan et al.

In consideration of the fact that Ananthasivan et al. does not disclose each and every limitation of the claimed subject matter, the rejection of claim 8 should be withdrawn. Moreover, because the rejection of claims 9-12 and 14 rely on the application of Ananthasivan et al. to claim 8 and because claim 8 is allowable over Ananthasivan et al., claims 9-12 and 14 should also be allowable as well for at least this reason.

As to Mueller, applicants submit that claim 8, as amended, further distinguishes the allegedly corresponding structures. Once again, applicants note that claim 8 recites that lateral walls include a first wall that separates the opening and the slot, and at least a second wall that extends longitudinal in the slot and supports the first wall. These limitations cannot be met by the allegedly corresponding opening/slot of Mueller et al., or the allegedly corresponding lateral walls/“webs” of Mueller et al.

In consideration of the fact that Mueller et al. does not disclose each and every limitation of the claimed subject matter, the rejection of claim 8 should be withdrawn. Moreover, because the rejection of claims 10-12 relies on the application of Mueller et al. to claim 8 and because claim 8 is allowable over Mueller et al., claims 10-12 should also be allowable as well for at least this reason.

### **III. Request for Interview**

It is applicants' intent to interview this application with the examiner and the examiner's supervisor. To this end, the undersigned has filed herewith an Applicant Initiated Interview Request form. While the undersigned has provided a date on the form that is acceptable to undersigned, the undersigned is willing to modify the date to one more convenient for the examiner and the examiner's supervisor. To that end, the undersigned would appreciate a telephone call if the date and time are not acceptable.

In view of the foregoing, it is respectfully submitted that all of the pending claims of the above application are in condition for allowance, and reconsideration is respectfully requested. In any event, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 13-2855, under Order No. 30607/40513.

Dated: November 13, 2007

Respectfully submitted,

By 

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